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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,900	09/25/2003	Allen Berger JR.	230199.3	2230
75	590 02/10/2006		EXAM	IINER
Sanchelima ar 235 S.W. Le Je	nd Associates, P.A.			
Miami, FL 33134			ART UNIT	PAPER NUMBER

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Notification of Non-Compliant Appeal Brief BERGER, ALLEN 10/669,900 (37 CFR 41.37) Examiner Art Unit 3635 Robert J. Canfield

The Appeal Brief filed on <u>06 December 2005</u> is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file anamended brief or other appropriate correction (see MPEP

	3) within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer
1. 🛚	The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. 🛚	The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. 🗌	At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. 🛚	(a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function unde 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. 🗌	The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. 🗌	The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. 🗌	The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. 🗌	The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal , along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. 🗌	The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR $41.37(c)(1)(x)$).
10.🛛	Other (including any explanation in support of the above items):
	see attached.

Robert J Canfield **Primary Examiner** Art Unit: 3635

⁻⁻ The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Application/Control Number: 10/669,900

Art Unit: 3635

- The brief fails to follow and include each of the headings set forth in 37 CFR
 43.37.
- 2. The real party in interest statement 37 CFR 43.37(c)(i) is missing.
- 3. The related appeals and interferences statement 37 CFR 43.37(c)(ii) is missing.
- 4. The summary of the claimed subject matter 37 CFR 43.37(c)(vi) is missing.
- 5. The claim appendix is not an appendix 37 CFR 43.37(c)(viii) separate from the body of the brief.
- 6. There is no evidence appendix 37 CFR 43.37(c)(ix) or related appeal and proceedings appendix 37 CFR 43.37(c)(x).
- 7. Each appendix should be on separate sheet.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield Primary Examiner

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02/07/06